

Remarks

Claims 1-23 are pending in the application. Claims 1-23 have been rejected.

Claims 1-6, 9, 10, 12-17 and 19-22 are rejected under 35 USC § 103(a) as being unpatentable over Kung et al. (US Patent No. 6,671,262) in view of Bennett (US Patent Application Publication No. 2002/0075799).

The combination of Kung and Bennett do not address the use of a single input queue. Kung is directed to a multiplexed output stream that is comprised of data from several input queues. Bennett takes in data into one of several input queues. The combination of references does not teach using a single input queue.

Further, neither Kung nor Bennett teaches examining the threshold upon arrival of each packet of the traffic. In response to the arguments with regard to claims 6 and 15, the office action stated "the determining is performed upon an arrival of each packet...paragraph 13." However, paragraph 13 does not address this issue. Upon further inspection, the Bennett reference teaches monitoring the threshold with regard to the status of the buffers, not after the packet arrival. See paragraph 0034.

Claims 1, 9, 16 and 21 as amended now require that the threshold be examined upon the arrival of each packet, as supported on page 6 of the current application, among others. Claims 6 and 15 have been canceled by this amendment. As the combination of references does not teach, show nor suggest this, it is therefore submitted that claims 1, 9, 16 and 21 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 2-5 depend from claim 1 and should be ruled allowable for that reason and for their own merits. These claims inherently contain all of the limitations of the base claim, not shown by the combination of references as discussed above. Therefore the combination of references does not teach all of the limitations of the base claim, plus the added features of

the independent claims. It is therefore submitted that claims 2-5 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 10 and 12-17 depend from claim 9 and should be ruled allowable for that reason and for their own merits. These claims inherently contain all of the limitations of the base claim, not shown by the combination of references as discussed above. Therefore the combination of references does not teach all of the limitations of the base claim, plus the added features of the independent claims. It is therefore submitted that claims 10 and 12-17 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claims 17 and 19-20 depend from claim 16 and should be ruled allowable for that reason and for their own merits. These claims inherently contain all of the limitations of the base claim, not shown by the combination of references as discussed above. Therefore the combination of references does not teach all of the limitations of the base claim, plus the added features of the independent claims. It is therefore submitted that claims 17 and 19-20 are patentably distinguishable over the prior art and allowance of these claims is requested.

Claim 22 depends from claim 21 and should be ruled allowable for that reason and for their own merits. These claims inherently contain all of the limitations of the base claim, not shown by the combination of references as discussed above. Therefore the combination of references does not teach all of the limitations of the base claim, plus the added features of the independent claims. It is therefore submitted that claim 22 is patentably distinguishable over the prior art and allowance of this claim is requested.

Claims 7, 8, 11, 18 and 23 are rejected under 35 USC § 103(a) as being unpatentable over Kung et al. in view of Bennett and further in view of Farris (US Patent No. 6,064,653).

The combination of Kung and Bennett do not teach the use of a single input queue, nor examining a threshold upon arrival of each packet of traffic as discussed above. The use of Farris does not cure this deficiency. It is therefore submitted that claims 7, 8, 11, 18 and


- 23 are patentably distinguishable over the prior art and allowance of these claims is requested.

Conclusion

No new matter has been added by this amendment. Allowance of all claims is requested. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.



Julie L. Reed
Reg. No. 35,349

Customer No. 20575
MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, OR 97205
503-222-3613